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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,573	10/03/2000	Adrian Pell	10990443-3	5628

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FORT COLLINS, CO 80527-2400

EXAMINER
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LIPMAN, JACOB

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/678,573

Applicant(s)

PELL, ADRIAN

Examiner

Jacob Lipman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

DETAILED ACTION

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 and 11 recite the limitation "regardless of the presence of firewall protection in said requesting system". It is unclear if the requesting system necessarily has a firewall, or if the claim includes systems where no firewall is present in the requesting system.

4. Claim 1 and 11 recite the limitation " the presence of firewall protection ". There is insufficient antecedent basis for this limitation in the claims.

5. The term "standard web browser" in claim 1 is a relative term which renders the claim indefinite. The term "standard" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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7. Claims 1-9 and 11-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Waldin Jr. et al., US Patent number 6,052,531.

With regard to claims 1 and 11, Waldin Jr. discloses a requesting system (column 4 lines 1-12), a support system (column 4 lines 17-24), and a collaboration system (column 8 lines 28-57) accessible to the requesting and support systems (column 7 lines 37-42), the collaboration system including a rendezvous service to initiate communication between the systems (column 4 lines 38-40) and an interaction service to manage interaction between the systems (column 4 line 39) over the Internet (column 8 lines 32-35).

With regard to claims 2 and 12, Waldin discloses the proper support is located by the rendezvous service (column 4 line 38-39).

With regard to claims 3 and 13, Waldin discloses rules used to locate the proper support (column 4 lines 38-39).

With regard to claims 4 and 14, Waldin discloses support is received on a proxy (column 4 lines 38-40).

With regard to claims 5 and 15, Waldin discloses the support representative generates the response (column 4 lines 17-24).

With regard to claims 6 and 16, Waldin discloses the response is an executable to be run on the requesting system (column 4 lines 40-45).

With regard to claims 7 and 17, Waldin discloses the support proxy loads the response (column 4 lines 38-40).

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With regard to claims 8 and 18, Waldin discloses the response is digitally signed (column 4 lines 45-46).

With regard to claims 9 and 19, Waldin discloses the support proxy verifies the signature (column 9 lines 36-42).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldin Jr. et al.

With regard to claims 10 and 20, Waldin discloses the system of claim 9, as outlined above, but does not disclose the length of the key used to sign the response. The examiner takes official notice that using a key of at least 128 bits is a well known in the art to increase security. It would have been obvious to one of ordinary skill in the art to sign use a key of at least 128 bits to sign the response in Waldin.

***Response to Arguments***

10. Applicant's arguments filed 20 April 2005 have been fully considered but they are not persuasive.

With regard to applicant's argument that the term "regardless of the presence of firewall protection in said requesting system" is not indefinite, the examiner points to applicant's own argument. Applicant later argues, "Waldin does not even discuss the

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use of firewalls". Applicant has not claimed a firewall. Applicant has chosen to leave the claim vague as to whether a firewall is present. In applicant's example, applicant cites "the language containing A, B, and optionally C" as being acceptable. In this example C is not necessary, and there would be no argument that Waldin does not even discuss C, since C is clearly stated as being optional. By applicant's own further argument, applicant shows that the presence of a firewall is unclear and indefinite.

With regard to applicant's argument that Waldin does not disclose user requesting assistance from a support representative. Waldin discloses that a user's virus protection software is updated. An update is a request from a user from a support representative.

With regard to applicants argument that Waldin does not teach a Web browser client to request support, the examiner points to column 8 lines 32-35. Waldin discloses that the updater has access to a list of URLs to retrieve the data. Waldin further discloses the DeltaDirectory supports querying of a file directory such as HTTP, FTP, and file servers.

With regard to applicant's argument that the support representative does not respond, the examiner points out that Waldin discloses the representative sends the update (column 4 lines 35-40).

With regard to applicants argument that the collaboration server is not disclosed as receiving a request and processing the request, the examiner points out that Waldin discloses processing a request for a software update (column 4 lines 17-52).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

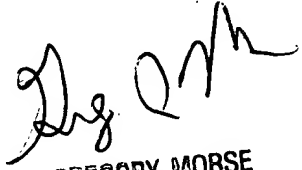
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Th 7 AM-3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571-272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL

  
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